

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Effective immediately the following new procedures are in place for filing Notices of Removal and Motions to Withdraw the Reference:

Notices of Removal:

1. Pursuant to Federal Rule of Bankruptcy Procedure 9027(a): “a notice of removal shall be filed with clerk for the district and division within which is located the state or federal court where the civil action is pending.” For example, a notice to remove a civil action from the New York State Court should be filed with the United States District Court for the Southern District of New York. Notices of Removal should not be filed at the Bankruptcy Court.
2. When filing a notice of removal with the District Court, the filer must pay a fee of \$150.00 and include with the filing a Statement under FRCP 7.1 and three copies of the civil cover sheet.*

Motions to Withdraw the Reference:

1. A party seeking to file a Motion to Withdraw the Reference for a matter pending in this court should file such a Motion with this court and pay the requisite fee of \$150.00.
2. Upon filing the Motion (either electronically or conventionally) you will receive a completed form from the Court (either by hand or via e-mail) with a receipt number.
3. The receipt, together with one copy of the motion and three copies of the District Court civil cover sheet, must be filed at the District Court by the party filing the Motion to Withdraw the Reference. The District Court may require the filing party to furnish a Statement pursuant to FRCP 7.1.*
4. The party filing the Motion must also file with the Bankruptcy Court (either electronically or conventionally) a statement indicating the District Court civil number and the assigned District Court judge.
5. All subsequent filings, including any responses to the Motion to Withdraw the Reference, should be filed with the District Court. Only the Motion and subsequent Order will appear on the Bankruptcy Court docket.

January 2004

Kathleen Farrell-Willoughby
Clerk of Court

*District Court forms may be obtained from the District Court’s website: www.nysd.uscourts.gov. Click on “Forms” and then “Forms Required to Start an Action.”